IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.164 OF 2005
IN
SUMMARY SUIT NO.3800 OF 2003

Laljibhai G. Mistry ....Plaintiff
V/s.
Chandrakant alias C.Kelelia & Ors. ....Defendants

Mr.Y.R. Dube for the Plaintiff.
Mr.R.D. Sawant for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 19TH OCTOBER, 2005.

P.C. :

1. The suit is filed to recover the balance amount in respect of a loan availed of by the Defendants from the Plaintiff. The same is acknowledged by a writing executed by the Defendants. The Defendants issued a cheque which was dishonoured.

2. The only defence is that the amounts have been paid in cash which were deposited in the Plaintiff's account. These amounts however were clearly towards the interest leaving the suit claim outstanding. There is no defence to the suit.

3. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed with costs.

. Refund as per rules.